

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN LINDSEY,

Plaintiff,

-v-

DETECTIVE GEORGE LUTZ #122 OF
HAVERSTRAW N.Y. POLICE DEPARTMENT and
RAMPO POLICE DEPARTMENT,

Defendants.
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10 Civ. 3931 (JSR) (KNF)

ORDER

JED S. RAKOFF, U.S.D.J.

On June 16, 2011, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that the Court grant the motions filed by the defendants and dismiss plaintiff's complaint in its entirety.¹ Objections to the Report and Recommendation were due on July 5, 2010. On July 7, 2011, the Court received an application from the plaintiff, dated June 27, 2011, requesting an extension of time to file objections to the Report and Recommendation. The Court granted the request and ordered that objections to the Report and Recommendation, if any, be submitted by August 5, 2011.

The Court is now in receipt of written objections from the plaintiff dated July 31, 2011. Accordingly, the Court has reviewed the objections and the underlying record de novo. Having done so, the

¹ Specifically, defendant Lutz moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, and defendant the Ramapo Police Department moved for an order dismissing the complaint for failure to state a claim or for judgment on the pleadings pursuant to Rules 12(b)(6) and 12(c) of the Federal Rules of Civil Procedure.

Court finds itself in complete agreement with Magistrate Judge Fox's Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court dismisses the action, with prejudice.

In addition, because plaintiff has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as plaintiff's claims lack any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). Clerk to enter judgment.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 15, 2011